

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Case No. 2:10-cr-00399-MMD-GWF

Plaintiff,

v.

ORDER

PAUL WAGNER,

Defendant.

After granting reconsideration, the Court established a briefing schedule on Defendant's motion for a new trial. (ECF No. 257.) However, Defendant's reply brief (ECF No. 255) raises new arguments in support of his request for a new trial that were not asserted in his motion. Accordingly, the Court grants the government's request to file a rejoinder in response (ECF No. 256). The government is directed to address the following arguments as to newly discovered evidence raised for the first time in Defendant's reply: (1) purported "recordings" showing that Roma Nelson and FBI Special Agent Rawlins were communicating while Nelson was still employed with Wagner Homes (ECF No. 255 at 7); (2) the government's purported violations of *Brady* and *Giglio* by failing to disclose information pertaining to Joshua Weissbach, Russell Pachinger and Beverly Antonio (*id.* at 9-13, 14-16); and (3) purported "recordings" of conversations between Dennis Morales and Defendant that Morales did as part of the FBI's "sting operation" (*id.* at 13). The government is also directed to file a copy of the October 25, 2012, letter referenced in Exhibit 20 (ECF No. 249-5 at 15), and address the effect of that letter on Defendant's claim of a conflict of interest.

1 The government has ten (10) days to file its rejoinder. Defendant will have fifteen  
2 (15) days to respond to the government's rejoinder but only as it relates to item no. 2  
3 referenced above (i.e., alleged failure to disclose information relating to Joshua  
4 Weissbach, Russell Pachinger and Beverly Antonio).

5 It is therefore ordered that the government's motion to file a rejoinder (ECF No.  
6 256) is granted.

7 DATED THIS 11<sup>th</sup> day of July 2016.

8  
9 

10 MIRANDA M. DU  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28